



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,534	01/31/2000	Kimitaka Murashita	1080.1078/JDH	3593

21171 7590 09/09/2003

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT	PAPER NUMBER
----------	--------------

2672

//

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/494,534

Applicant(s)

MURASHITA ET AL.

Examiner

Faranak Fouladi

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 17.

Claim(s) objected to: _____.

Claim(s) rejected: 1-16 and 18-33.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 3.

Continuation of 3. Applicant's reply has overcome the following rejection(s): 35 USC 112 first and second paragraph for claims 5,7,11,16, 18, 19, and 29-32.

Claims 1-8, 12-16,18, 20-29, 31, and 33 are still rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al., [US 5739809].

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. in view of reference Tanaka [US 5943036].

Applicant states on page 14 line 21-23 of amendment that "In item 54 of the office action, the rejection states that McLaughlin "does not discuss" this feature, and yet the rejection cites the Abstract and col. 14, lines 20-27 of McLaughlin."

In first three lines of item 54 of the previous office action (Final Rejection) examiner simply repeated applicant's argument from amendment B; and next in line 4-7 examiner responded to the applicant by stating the following "Conventional calibration systems have automatically saved color data measured during a calibration session into a data file often referred to as a "display profile". Display characteristics (parameters) are determined automatically in McLaughlin as well (Abstract and col. 14 lines 20-27)."

Applicant also argues that McLaughlin's only discusses automatically polling and applicant further argues that polling is not the same as determining.

Applicant is referred to line 10-17 of the Abstract where McLaughlin states "... (including display parameters measured during calibration and user-specified adjustment data indicative of differences between first and second sets of display control parameters) in separate data files; executes a locking operation which disables mechanical controls on the display device, periodically and automatically polls the status of the display, and automatically corrects any display parameter whose value differs from desired value..."

McLaughlin disclose automatically determining a display characteristic or parameter during calibration. McLaughlin disclose in col. 8 lines 17-21 "... automatically corrects any display parameters whose value differs from the desired value thereof (i.e., whose value differs from the value most recently determined by the inventive display control or calibration software)."

Applicant argues on page 15 line 8-17 of amendment that "McLaughlin doesnot discuss displaying color categories or matching a display color to a color category."

McLaughlin disclose in col. 2 line 30-45 that some conventional computer systems have software that causes the computer system to vary display parameter in response to user selection of various ones of the icons using a mouse or other input devices. Display parameters include gamma and white point and by changing these parameters one can identify or indicate different color perception category.

McLaughlin disclose matching a displayed color to a color category in col. 1 lines 45-col. 2 line 14.

McLaughlin disclose measuring and calibrating at least two characteristics (gamma and white point) of the pixels of a display.

McLaughlin disclose in col. 1 line 48-50 "The "white point" of a pixel is the pixel's perceived color when the computer causes emission of maximum values of red, blue and green light from the pixel." And in col. 1 line 63-65 "'Gamma" denotes the relationship between the luminance input sent to a display (from a computer system's graphics card and imaging application software) and the resulting light intensity perceived by a viewer of the display "

McLaughlin disclose "expert control" which includes different control icons (i.e. color match control) (col. 7 line 1-16) that will change the stored display characteristic data to a desired value or a standard value.

Applicant argues on page 15 line 18 – page 16 line 4 of amendment that "McLaughlin doesnot discuss the combination of inputting perceived category and determining a characteristic value in accordance therewith ", further applicant argues that "a specific color is not a color perception category. The proposed addition of including color names to avoid numbers is incorrect because each individual color would become a color category, which contradicts the meaning of a category."

Applicant has stated in specification page 24 lines 2-12 "Hereinafter, there will be explained by way of example a case where colors perceived by a human are perceived through a classification of 11 colors. 11 colors designated by the categorial color perception are "white", "orange", "brown", "gray", "yellow",and "black". ...the triangle domain 10 is partitioned in color domain into 8 colors of blue, green, brown, ..., and gray. These eight domains ... are refered to as categorical areas, hereinafter." Therefore, it is possible to include color names to avoid numbers.

Applicant explains in specification page 55 line 15- page 56 line 4 that a display luminance is identified (it is determined as to which group the display luminance belongs to) in accordance with the user selection. McLaughlin disclose gamma control and user can select different gamma values using this control to match the best one or to pick a right group that the display luminance belong to (col. 15 line 12-43).

Applicant argues on page 16 line 5 - 6 of amendment that "McLaughlin doesnot receive input indicating or identifying a perceived color perception category". This argument is similar to above arguments and therefore is rejected under the same rational.


MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600